



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

Home Page: <http://www.azmdboard.org>

Telephone (480) 551-2700 • Fax (480) 551-2704 • In-State Toll Free (877) 255-2212

FINAL MINUTES FOR TELECONFERENCE MEETING

Held at 12:00 Noon on March 10, 2004

9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Edward J. Schwager, M.D., Chair
Sharon B. Megdal, Ph.D., Vice Chair
Robert P. Goldfarb, M.D., Secretary
Patrick N. Connell, M.D.
Ronnie R. Cox, Ph.D.
Ingrid E. Haas, M.D.
Tim B. Hunter, M.D.
Becky Jordan
Ram R. Krishna, M.D.
Douglas D. Lee, M.D.
William R. Martin III, M.D.
Dona Pardo, Ph.D., R.N.

Board Counsel

Christine Cassetta, Assistant Attorney General

Staff

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director
Amanda J. Diehl, M.P.A., CPM, Assistant Director / Licensing & Operations
Barbara Kane, Assistant Director / Investigations & Quality Assurance
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director
Gary Oglesby, Chief Information Officer
Tina Speight, Public Affairs Coordinator
Lisa McGrane, Legal and Communications Coordinator

CALL TO ORDER

Edward J. Schwager, M.D., Chair, called the meeting to order at 12:04 p.m.

ROLL CALL

The following Board members were present: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Dona Pardo, Ph.D., R.N., and Edward J. Schwager, M.D. The following Board members phoned in late to the meeting: Douglas D. Lee, M.D., Ingrid E. Haas, M.D., and William R. Martin III, M.D. The following Board members were absent: Ronnie R. Cox, Ph.D. and Sharon B. Megdal, Ph.D.

CALL TO THE PUBLIC

Statements issued during the call to the public appear beneath the case referenced.

NON-TIME SPECIFIC ITEMS

Approval of Minutes

February 11-13, 2004 Board Meeting (including Executive Session Minutes)

February 13, 2004 Summary Action Meeting

Becky Jordan informed Christine Cassetta, Board Counsel, that there are typographical errors that need to be corrected on the February 11-13, 2004 Executive Session Minutes. Ms. Cassetta instructed Ms. Jordan that since they are from an executive session they would need to be discussed in executive session or Ms. Jordan can provide the corrections to her after the meeting.

NON-TIME SPECIFIC ITEMS (Continued) – Approval of Minutes

MOTION: Ram R. Krishna, M.D., moved to approve the minutes from February 11-13, 2004 Board Meeting including the Executive Session Minutes with the suggested changes submitted to Ms. Cassetta as stated above and the February 13, 2004 Summary Action Meeting as written.

SECONDED: Becky Jordan

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 3-absent

MOTION PASSED.

Planning of Board Offsite Meeting

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, informed the Board that an offsite meeting could be arranged if the Board desires. The Board members noted that an offsite meeting would be essential to resolve Board issues in regard to civil penalties and probation costs. Dr. Cassidy informed the Board that the Attorney General's Office would also like to make a presentation. Assistant Attorney General Stephen Wolf informed the Board that he and his colleagues would like to present an overview of the formal hearing process and the preparations that go into presenting a formal hearing. Dr. Schwager suggested that Christine Cassetta, Board Counsel provide a legal overview of Board requirements. It was determined that the month of May 2004 would be the appropriate time to schedule an offsite meeting, preferably on a Friday.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
1.	MD-00-0073	AMB	SAUL AMBER, M.D.	10916	Letter of Reprimand for unprofessional conduct; twenty hours of Continuing Medical Education (CME) in Ethics to be completed within one (1) year of the effective date of the Order, such hours are in addition to the hours required for the biennial renewal for licensure; Probation until the Respondent has completed the CME.
2.	MD-98-0844 MD-99-0349 MD-00-0030	F.E. P.H. A.D.	DWIGHT C. LUNDELL, M.D.	6960	Letter of Reprimand for unprofessional conduct; Probation for two (2) years.

Case number 2 was pulled from the block vote for individual consideration. William R. Martin III, M.D., was not present when the Board considered this matter. The Board members noted that this physician has had two decrees of censure for inadequate record keeping and inadequate pre-operative evaluation and inquired of Dean Brekke, Assistant Attorney General, as to why a Letter of Reprimand should be considered in the proposed consent agreement as opposed to a Decree of Censure. Mr. Brekke responded by stating that regarding these three cases, he believed it was more important that Dr. Lundell undergo a competency evaluation. Mr. Brekke also stated that these cases arose prior to the Board's issuance of the Decree of Censure in the other cases and the Physician Assessment and Clinical Education Program (PACE) for record keeping course that Dr. Lundell was required to complete pursuant to the earlier Orders has addressed the recordkeeping issue, therefore the competency evaluation was more important at this point.

MOTION: Tim B. Hunter, M.D., moved to rescind the referral to formal hearing and accept the proposed consent agreement as written.

SECONDED: Ram R. Krishna, M.D.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., Dona Pardo, Ph.D., R.N., and Edward J. Schwager, M.D. The following Board member was not present for this matter: William R. Martin III, M.D. The following Board members were absent from the meeting: Ronnie R. Cox, Ph.D. and Sharon B. Megdal, Ph.D.

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 3-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
3.	MD-00-0012	AMB	J. DOUGLAS MORRISON, M.D.	7858	Surrender of License.

Case number 3 was pulled from the block vote for individual consideration. The Board members commented that the allegations in this case are substantial and inquired as to how long the surrender of license would be and if the Board could consider the facts of this case when he reappplied. Ann Marie Anderson, Assistant Attorney General, responded to the Board's concerns stating that Dr. Morrison can reapply for licensure after five years, but due to his age and prison term it would not be likely that Dr. Morrison would reapply. The Board members discussed the possibility that if Dr. Morrison did reapply for licensure, he should be required to appear before the Board due to concerns that his problems would not have been corrected during the surrender of his license. Christine Cassetta, Board Counsel, clarified with the Board that upon application for licensure the Board can consider Dr. Morrison's prior record, including this case, and that there are mechanisms such as issuing a probationary license or ordering evaluations to deal with the problems involving this physician if he were to reapply for licensure.

NON-TIME SPECIFIC ITEMS (Continued) - J. DOUGLAS MORRISON, M.D.

MOTION: Ram R. Krishna, M.D., moved to rescind the referral to formal hearing and accept the proposed consent agreement as written.

SECONDED: Tim B. Hunter, M.D.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin III, M.D., Dona Pardo, Ph.D., R.N., and Edward J. Schwager, M.D. The following Board member was absent from the meeting: Ronnie R. Cox, Ph.D. and Sharon B. Megdal, Ph.D.

VOTE: 10-yay, 0-nay 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
4.	MD-02-0770A	AMB	GARY L. LOWERY, M.D.	24907	Letter of Reprimand for actions taken against him by other licensing or regulatory jurisdictions due to unprofessional conduct as defined by those jurisdictions and which correspond directly or indirectly to acts of unprofessional conduct proscribed by Arizona law – that is, negligence resulting in harm to a patient and failure to maintain adequate medical records; Probation for one (1) year.

Robert P. Goldfarb, M.D., abstained from this matter.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
5.	MD-02-0592A	AMB	GRIGORY SOROKIN, M.D.	27559	Surrender of License.

William R. Martin III, M.D., was not present when the Board considered this matter.

MOTION: Tim B. Hunter, M.D., moved to rescind the referral to formal hearing and accept the proposed consent agreements as written for cases 1 through 5, except cases 2 and 3 which were pulled from the block vote for individual consideration.

SECONDED: Patrick N. Connell, M.D.

ROLL CALL VOTE was taken and the following members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., Dona Pardo, Ph.D., R.N., and Edward J. Schwager, M.D. The following Board member was not present for this matter: William R. Martin III, M.D. The following Board member was absent from the meeting: Ronnie R. Cox, Ph.D. and Sharon B. Megdal, Ph.D.

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 3-absent

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
6.	MD-98-0232 MD-97-0025	AMB	ABRAHAM SAYEGH, M.D.	18816	Terminate Board Orders.

Kathleen Mueller, Monitored Aftercare Program Coordinator, stated that Dr. Sayegh has complied with all terms and conditions of his Orders and Board staff is recommending that both Orders be terminated. Ms. Mueller confirmed that terminating the Orders would end Dr. Sayegh's participation in the Monitored Aftercare Program (MAP).

MOTION: Tim B. Hunter, M.D., moved to grant the request for termination of Board Orders.

SECONDED: Patrick N. Connell, M.D.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
7.	MD-94-0584	AMB	RONALD F. HILDING, M.D.	6043	Denied the request for modification of Board Order and instructed the Executive Director to refer the case to Formal Hearing if Dr. Hilding violates the Board Order.

Wendy Nicholson, Division Chief Professional Conduct, reviewed this case with the Board. Ms. Nicholson stated that Ronald F. Hilding, M.D., has requested a modification of the Board Order issued approximately one year ago that required him to attend the Physician Assessment and Clinical Education Program (PACE) because it is a financial hardship for him to attend PACE. Ms. Nicholson also stated that Dr. Hilding has been uncooperative in regards to responding to phone calls and letters from Board Staff and that the staff at PACE has not heard from Dr. Hilding. Ms. Nicholson stated that she attempted to reach Dr. Hilding this morning without success. She informed the Board that Dr. Hilding did advise her of an address change, but his staff was unaware of this planned change. The Board members agreed that Dr. Hilding has been extremely uncooperative and recommended that

NON-TIME SPECIFIC ITEMS (Continued) - RONALD F. HILDING, M.D.

this case be referred to formal hearing or Dr. Hilding invited to a formal interview. Ms. Cassetta informed the Board that this could be done if and when Dr. Hilding violates his Board Order and he has until March 25, 2004 to comply. Ms. Cassetta stated that the Board would notify Dr. Hilding of this violation and allow him to respond. Once the investigation was complete, the Executive Director could then refer the case to formal hearing. Ms. Nicholson clarified that Dr. Hilding's failure to timely respond to phone calls and correspondence from Board Staff is not a violation of his Board Order.

MOTION: Tim B. Hunter, M.D., moved to deny the request for modification of Board Order and instructed the Executive Director to refer the case to formal hearing if Dr. Hilding violates the Board order.

SECONDED: William R. Martin III, M.D.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin III, M.D., Dona Pardo, Ph.D., R.N., and Edward J. Schwager, M.D. The following Board member was absent from the meeting: Ronnie R. Cox, Ph.D. and Sharon B. Megdal, Ph.D.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
8.	MD-00-0139 MD-02-0452A	AMB	DANIEL DE LA PAVA, M.D.	11945	Decree of Censure for incompetently performing breast reconstruction surgery; Probation for ten (10) years.

William R. Martin III, M.D., was not present when the Board considered this matter.

Attorney Gordon Lewis appeared before the Board at the call to the public on behalf of Daniel De La Pava, M.D. Mr. Lewis stated that Dr. De La Pava objects to the Order being considered by the Board. Mr. Lewis stated that Dr. De La Pava performed the re-implantation of the implant on patient A.E. because of the patient's insistence and after he received approval from the Infection Disease Consultant. Mr. Lewis also noted an error under patient S.P. on page five that "debrided necrotic "pus"" should be corrected to "debrided necrotic "parts"." Mr. Lewis stated the flap that was an issue in this case did not cause the hernia with patient S.P. Mr. Lewis stated Dr. De La Pava felt the conclusion of the Order appears to be that Dr. De La Pava fell below the standard of care because a circulatory impairment incurred with patient R.T., which Dr. De La Pava feels he treated appropriately given the circumstances. Mr. Lewis stated that Dr. De La Pava would like the Board to reconsider or revise the Order for a lesser discipline.

Ram R. Krishna, M.D., commented that he reviewed this case and all the materials thoroughly and acknowledged Mr. Lewis' presentation, but recommended that the Board adopt the findings of fact, conclusions of law and order as written.

MOTION: Ram R. Krishna, M.D., moved to adopt the findings of fact, conclusions of law and order as written.

SECONDED: Douglas D. Lee, M.D.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., Dona Pardo, Ph.D., R.N., and Edward J. Schwager, M.D. The following Board member was not present for this matter: William R. Martin III, M.D. The following Board member was absent from the meeting: Ronnie R. Cox, Ph.D. and Sharon B. Megdal, Ph.D.

VOTE: 9-yay, 0-nay, 0-abstain/recuse, 3 absent

MOTION PASSED.

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	BOARD RESOLUTION
9.	MD-03-0271A	AMB	BURTON J. FRIEDMAN, M.D.	15197	Letter of reprimand for failure to recognize the surgeon's error during a procedure and for failure to take immediate and effective steps to reduce the adverse consequences of the error to the patient.
10.	MD-01-0608	M.C.	JERI B. HASSMAN, M.D.	16132	Decree of Censure for failing to maintain adequate medical records; engaging in conduct or practices that were potentially harmful or dangerous to the health of her patients; committing a felony; and having a sanction imposed by an agency of the federal government; Probation for two (2) years.

MOTION: Ram R. Krishna, M.D., moved to accept the proposed consent agreements as written for cases 9 and 10.

SECONDED: Patrick N. Connell, M.D.

ROLL CALL VOTE was taken and the following members voted in favor of the motion: Patrick N. Connell, M.D., Robert P. Goldfarb, M.D., Ingrid E. Haas, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin III, M.D., Dona Pardo, Ph.D., R.N., and Edward J. Schwager, M.D. The following Board member was absent from the meeting: Ronnie R. Cox, Ph.D. and Sharon B. Megdal, Ph.D.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent
MOTION PASSED.

The meeting adjourned at 12:39 p.m.

[seal]

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director